

From: john.andrews@amsys.ie@inetgw
To: Microsoft ATR
Date: 12/27/01 10:26am
Subject: Proposed Final Judgment

Dear Renata Hesse,

As a consumer who uses Microsoft products on a daily basis I feel severely let down by the remedies as contained in the Proposed Final Judgment in the case United States of America vs Microsoft Corporation. While publication of the windows API's may be a good idea in principle it is not sufficient on its own and it should be expanded to include publication of file formats. Let me give my situation as an example of why this should be so.

In my case I use Microsoft Word on a daily basis even though it is not my word processor of choice. However I am forced to use it both at home and at work in order to be sure that colleagues and friends will be able to read and update documents that I produce and vice versa. Alternative word processors that I have used have been unable to import and export Microsoft Word .doc files to a sufficient standard for me to be able to use them. This is the only reason I do not use an alternative word processor to MS Word.

The difficulties and frustration at having to use a product that I find poorly designed and counter intuitive cause a considerable loss of productivity in my daily work. While I hope that this loss of productivity is not replicated by millions of other consumers across the US I would not be surprised to find out that it was.

To remedy this the judge should mandate the setting up an independent commission that would have the following powers and duties:

- 1) It would publish all current and past Microsoft file formats, protocols and windows API's.
- 2) It would require Microsoft to explain and justify any changes to its current file formats, protocols and windows API's. Any changes would have to be justified on the basis of improved consumer utility.
- 3) It would have the power and the duty to prevent Microsoft releasing products using new file formats, protocols and windows API's in any cases where it was not convinced that the benefits to consumers outweighed the disadvantages of the new file formats, protocols and windows API's.
- 4) In cases where it was satisfied of the benefits to consumers it would publish any new Microsoft file formats, protocols and windows API's at least 6 months in

advance of any Microsoft product using them. This gives other producers the opportunity to update their products in time for a new Microsoft release. Consumers using these non-MS products would not then experience periods during which their product of choice was unable to use the latest Microsoft file format.

Items 2 and 3 would benefit all consumers even if they only ever used Microsoft products. Items 1 and 4 are essential to the protection of any consumers who wish to have a choice between Microsoft products and those produced elsewhere.

There are some very important requirements for the operation and makeup of this commission:

The commission should do as much of its work as possible in public. It would be required to consider submissions from consumers before making important decisions. It would need a strong and technically capable staff. Although the commission and its staff would need to be in constant communication with Microsoft none of the commission members would be Microsoft employees or have been proposed by Microsoft. This is in order to insure the commission's independence. Finally the commission must have the power to enforce its decisions at the time that they are made. Any Microsoft appeals should be considered only after the decisions have been enforced.

To Conclude: The remedies as agreed by the government and Microsoft will make almost no difference to me as a consumer. In order to make any improvement to my day to day experience as a consumer of Microsoft Operating Systems and Microsoft applications, most if not all, of the suggestions above would need to be implemented.

Yours sincerely

John Andrews